

[8ndf1007] [NOTICE OF INCOMPLETE AND/OR DEFICIENT FILING]

UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

In re:

Case No. 8:13-bk-05290-KRM  
Chapter 13

Rachel Falk-Bochis  
2122 N Lake Eloise Dr  
Winter Haven, FL 33884

\_\_\_\_\_  
Debtor\*/

NOTICE OF INCOMPLETE AND/OR DEFICIENT FILING  
AND OPPORTUNITY TO CURE DEFICIENCIES

NOTICE IS GIVEN THAT the above Debtor filed a voluntary petition on April 24, 2013 . Pursuant to the Federal Rules of Bankruptcy Procedure and the Local Rules for the Middle District of Florida, the Clerk has noted deficiencies to the petition and/or schedules of this Debtor as indicated by the box or boxes checked below. The Debtor is provided an opportunity to cure the deficiencies within fourteen (14) days from the date of entry of this notice unless set forth differently below.

**NOTE: THE FAILURE TO FILE CERTAIN DOCUMENTS NOTED BELOW CAN LEAD TO AN AUTOMATIC DISMISSAL UNDER SECTION 521 OF THE BANKRUPTCY CODE AND SUCH DISMISSAL MAY MEAN THAT THE CASE CANNOT BE LATER REINSTATED.**

VOLUNTARY PETITION:

- ☐ Pursuant to Fed. R. Bankr. P. 1007(f), the Debtor has failed to file a verified statement of social security number(s). The Debtor is directed to submit to the clerk a verified statement of the social security number(s) of the Debtor and to give notice of the Debtor's complete social security number to all creditors and parties in interest and file with the court proof of service of the notice. The proof of service should redact the Debtor's social security number.
- ☐ The verified statement of social security number(s) was filed without an original signature or proper electronic signature in compliance with Fed. R. Bankr. P. 9011(a) and/or Local Rule 9011-4. The Debtor is directed to submit to the clerk a verified statement of the social security number(s) of the Debtor containing proper signatures of all parties or /s/ and the parties names in accordance with paragraph number 10 of Administrative Order FLMB-2003-4.
- ☐ The voluntary petition does not comply with Official Form 1 as amended. The Debtor is directed to file an Amended Voluntary Petition on the proper Official Form 1 and containing proper signatures and telephone numbers of all parties. A link to the form is available on the Court's website at [www.flmb.uscourts.gov/Forms](http://www.flmb.uscourts.gov/Forms).
- ☐ Pursuant to Fed. R. Bankr. P. 1005, the Tax Identification Number of the Debtor was not provided or is incomplete on the petition. The Debtor is directed to file an amended petition and serve the amended petition upon all creditors. The Debtor is further directed to file proof of service of the amendment with the court.
- ☐ The address of the Debtor is missing or incomplete on the petition and therefore the clerk is unable to provide proper notice to creditors. The Debtor is directed to file an Amended Voluntary Petition with the complete address of the Debtor.

☐ Pursuant to Fed. R. Bankr. P. 1008 and Fed. R. Bankr. P. 9011(a), the Voluntary Petition is not properly verified by the Debtor and/or is not properly signed by the attorney for the Debtor. The Debtor is directed to file an Amended Voluntary Petition containing proper signatures of all parties.

☐ Pursuant to Fed. R. Bankr. P. 1007(a)(1), the Debtor has failed to file a corporate ownership statement, which identifies any corporation, other than a governmental unit, that directly or indirectly owns 10% or more of any class of the corporation's equity interests, or states that there are no entities to report under Fed. R. Bankr. P. 7007(1).

**SCHEDULES, STATEMENTS AND CERTIFICATIONS:**

☒ The Summary of Schedules, Schedules or Statement of Financial Affairs are deficient as follows; (Missing Exhibit D, Summary of Schedules, Schedules A–J, Statement of Financial Affairs) Pursuant to Fed. R. Bankr. P. 1007(b) and (c), the Debtor is directed to file the missing schedules with proper declaration of the Debtor no later than fourteen (14) days from the date the petition was filed. If additional creditors not initially provided with the Petition are added on the Schedules, the Debtor is directed to include the \$30.00 amendment fee and provide Proof of Service of the Notice of Commencement to each additional creditor.

☒ Statement of current monthly income pursuant to Fed. R. Bankr. P. 1007 (b)(4)(5)(6) and Section 521(a)(1)(B)(v) and calculation of disposable income pursuant to Section 1325(b)(3) no later than fourteen (14) days from the date the petition was filed.

**Failure to file documents referred to above will result in dismissal of this case pursuant to Section 521(i)(1).**

Pursuant to 28 U.S.C. 159, an Amended Summary of Schedules is required to be filed when Schedules A,B,D,E,F,I and J are filed after the initial bankruptcy filing (or are later amended).

**STATEMENT OF INTENTION:**

☐ Statement of Intention by Individual Chapter 7 Debtor. Pursuant to Fed. R. Bankr. P. 1007(b)(2) and Section 521(a)(2)(A) of the Bankruptcy Code, the Debtor is directed to file the Statement of Intention no later than 30 days from the date the petition was filed.

**A link to updated forms is available on the Court's website at:  
[http://www.uscourts.gov/bkforms/bankruptcy\\_forms.html](http://www.uscourts.gov/bkforms/bankruptcy_forms.html).**

**LIST OF CREDITORS:**

☐ Pursuant to Fed. R. Bankr. P. 1007(a) and Local Bankruptcy Rule 1007–2, the voluntary petition was not accompanied by a list containing the names and addresses of the Debtor's creditors. In addition, the Debtor has not filed a schedule of liabilities. The Debtor is directed to file a list containing the names and addresses of the Debtor's creditors. The list must be in compliance with Local Bankruptcy Rule 1007–2.

☐ Pursuant to Local Rule 1007–2, the attorney for the Debtor failed to submit a computer readable disk containing the names and addresses of all creditors of the Debtor, or the disk that was submitted was not properly formatted. The notice of commencement of case will exclude the creditors not submitted on disk, and therefore, their debts may not be dischargeable. The attorney for the Debtor is directed to serve a copy of the notice of commencement of case that contains the full social security number of the Debtor upon all creditors and file proof of service of the notice. The proof of service should redact the Debtor social security number. Along with the proof of service, the attorney for the Debtor is further directed to submit a properly formatted disk, properly labeled with the Debtor's name and case number, to the court. Upon submission of a computer readable disk, these creditors will be added to the case.

☒ The attorney for the Debtor failed to enter the names and addresses of all creditors of the Debtor into CM/ECF. The notice of commencement of case will exclude the creditors not entered, and therefore, their debts may not be dischargeable. The attorney for the Debtor is directed to serve a copy of the notice of commencement of case that contains the full social security number of the Debtor upon all creditors and file proof of service of the notice. The proof of service should redact the Debtor social security number. Along with the proof of service, the attorney for the Debtor is further directed to enter the creditors in cm/ecf.

☐ Pursuant to Fed. R. Bankr. P. 1007(d), the Debtor in a Chapter 11 case failed to file a list containing the name, address and claim of the creditors that hold the 20 largest unsecured claims. The Debtor is directed to file a list of the 20 Largest Unsecured Creditors.

FILING FEES:

- ☐ Pursuant to Fed. R. Bankr. P. 1006(a), the Voluntary Petition was filed without payment of the required filing fee. In addition, the Debtor has not filed an application seeking approval to pay the filing fee in installments pursuant to Fed. R. Bankr. P. 1006(b) or an application requesting a waiver pursuant to Fed. R. Bankr. P. 1006(c). The Debtor is directed to pay the required filing fee totaling
- ☐ The Application to Pay Filing Fees in Installments is not properly signed by the debtor in compliance with Fed. R. Bankr. P. 1006(b)(1). The debtor is directed to file an Amended Application to Pay Filing Fees in Installments.
- ☐ The filing fee submitted with the petition has been returned to the Debtor or attorney for Debtor due to an incorrect payment amount or was tendered by personal check of the Debtor. The Debtor is directed to return proper payment to the Court.
- ☐ The filing fee for Chapter 13 petitions filed on or after November 1, 2011 increased to \$281.00. The court is in receipt of payment of a partial filing fee in the amount of . The Debtor is directed to submit payment in the amount of for the remaining filing fee. A copy of this notice must be submitted with the payment.

DISCLOSURE OF COMPENSATION OF ATTORNEY FOR DEBTOR:

- ☒ Pursuant to Fed. R. Bankr. P. 2016(b), the attorney for the Debtor has failed to file a statement of compensation as required by Section 329 of the Bankruptcy Code. The attorney for the Debtor is directed to file a statement of compensation in compliance with Fed. R. Bankr. P. 2016(b). Failure of the attorney for the Debtor to cure this deficiency may result in sanctions or the issuance of a show cause order.

CHAPTER 11 SUMMARY:

- ☐ The Case Management Summary. Pursuant to Administrative Order 2009–1 establishing initial procedures in Chapter 11 cases entered January 28, 2009, the chapter 11 Debtor is directed to file the Case Management Summary within the earlier of 3 business days following the petition date or the date of the first scheduled hearing.

SMALL BUSINESS CHAPTER 11 BALANCE SHEET, OPERATIONS AND CASH–FLOW STATEMENT AND INCOME TAX RETURNS :

- ☐ The most recent balance sheet, statement of operations, cash–flow statement and/or Federal income tax return or a statement made under penalty of perjury that no balance sheet, statement of operations or cash–flow statement has been prepared and no Federal tax return has been filed pursuant to Section 1116(1). The Debtor is directed to file these documents within 7 days from the date the petition was filed.

CHAPTER 13 PLAN:

- ☒ Pursuant to Fed. R. Bankr. P. 3015(b), the Debtor has failed to file a Chapter 13 Plan. The Debtor is directed to file a signed and dated Chapter 13 Plan in compliance with Fed. R. Bankr. P. 3015(b) within fourteen (14) days from the date the petition was filed.
- ☐ The Chapter 13 Plan is not properly signed. The Debtor is directed to file an Amended Chapter 13 Plan with proper signature within fourteen (14) days from the date of entry of this notice.

BANKRUPTCY PETITION PREPARER:

- ☐ The bankruptcy petition preparer failed to properly sign the voluntary petition, schedules or application to pay filing fees in installments in accordance with Section 110(b)(1) and Section 110(c)(1). Failure of the bankruptcy petition preparer to cure this deficiency may result in fines in accordance with Section 110(h)(3)(B) and Section 110(h)(5).
- ☐ Pursuant to Section 110(h)(2) of the Bankruptcy Code, the bankruptcy petition preparer has not filed a declaration under penalty of perjury disclosing any fee received from or on behalf of the Debtor within 12 months prior to filing the case. Failure to file the declaration of fees may result in the issuance of a show cause order.
- ☐ Pursuant to Section 110(b)(2)(A) of the Bankruptcy Code, the bankruptcy petition preparer has not filed a notice of non attorney limitations under penalty of perjury . Failure to file the notice of non attorney limitations may result in the issuance

of a show cause order.

OTHER:



DATED on April 29, 2013

FOR THE COURT

Lee Ann Bennett , Clerk of Court

Sam M. Gibbons United States Courthouse

801 North Florida Avenue, Suite 555

Tampa, FL 33602

\* All references to "Debtor" shall include and refer to both of the debtors in a case filed jointly by two individuals.